



STATE OF NEW JERSEY

Board of Public Utilities

*Two Gateway Center
Newark, NJ 07102*

CABLE TELEVISION

IN THE MATTER OF THE PETITION OF)
CABLEVISION OF MONMOUTH, INC. FOR)
RENEWAL OF A CERTIFICATE OF)
APPROVAL TO CONTINUE TO OPERATE)
AND MAINTAIN A CABLE TELEVISION)
SYSTEM IN THE TOWNSHIP OF HOWELL,)
COUNTY OF MONMOUTH, STATE OF NEW)
JERSEY)

RENEWAL
CERTIFICATE OF APPROVAL

DOCKET NO. CE00090703

Schenck, Price, Smith & King, Morristown, New Jersey, by Edward W. Ahart, Esq., for the Petitioner.

Township Clerk, Township of Howell, New Jersey, by Bruce Davis, for the Township.

BY THE BOARD¹:

On March 23, 1984, the Board granted Ocean Cablevision Associates ("OCA") a Certificate of Approval in Docket No. 839C-7030 for the construction, operation and maintenance of a cable television system in the Township of Howell ("Township"). On March 30, 1988, the Board approved the transfer of the Certificate of Approval from OCA to Monmouth Cablevision Associates ("MCA"). On May 17, 1994, the Board approved the sale of MCA to Cablevision of Monmouth, Inc. ("Petitioner"), in Docket No. CM93120537. Although the Petitioner's Certificate expired on March 23, 1999, it is authorized to continue to provide cable television service to the Township pursuant to N.J.S.A. 48:5A-25.

The Petitioner filed an application for the renewal of its municipal consent with the Township on September 30, 1998, pursuant to N.J.S.A. 48:5A-23 and N.J.A.C. 14:18-13. The Township, after public hearings, adopted an ordinance granting renewal municipal consent to the Petitioner on March 8, 2000. The Petitioner formally accepted the terms and conditions of the ordinance on July 19, 2000, in accordance with N.J.S.A. 48:5A-24.

¹ Commissioner Carol J. Murphy did not participate in the deliberations or vote on this matter.

On September 21, 2000, pursuant to N.J.S.A. 48:5A-16, the Petitioner filed with the Board for a renewal of its Certificate of Approval for the Township. The Board has reviewed the application for municipal consent, the petition for a Renewal Certificate of Approval and the municipal consent ordinance. Based upon this review and the recommendation of the Office of Cable Television, the Board HEREBY FINDS the following:

1. The Petitioner possesses the requisite legal, character, financial and technical qualifications for the awarding of a Certificate of Approval. Further, these qualifications were reviewed by the Township in conjunction with the municipal consent process. See N.J.S.A. 48:5A-22 to 29 and N.J.A.C. 14:18-13.
2. The design and technical specifications of the system shall ensure that the Petitioner provides safe, adequate and proper service.
3. The Petitioner has represented that all previously required construction within the franchise territory is complete.
4. The franchise period as stated in the ordinance is ten years, with an automatic renewal provision for a term of five years thereafter pursuant to N.J.S.A. 48:5A-19 and -25. The Board finds these periods to be of reasonable duration.
5. The Petitioner shall utilize the line extension policy ("LEP") attached to the Certificate (Appendix "I"). The minimum homes per mile ("HPM") figure is 20.
6. The Petitioner's rates shall be regulated and tariffs shall be filed for all services, in accordance with the rules and regulations of the Federal Communications Commission, the Board and the Office of Cable Television. The Petitioner shall maintain informational tariffs for unregulated service rates, and promptly file any revisions thereto.
7. Pursuant to N.J.S.A. 48:5A-26(b), the ordinance must specify a complaint officer. In this case, it is the Office of Cable Television. All complaints shall be received and processed in accordance with N.J.A.C. 14:17-6.5.
8. The Petitioner shall maintain a local business office or agent for the purpose of receiving, investigating and resolving complaints. Currently, the local office serving this provision is located at 1501 Eighteenth Avenue in Wall Township.
9. The franchise fee to be paid to the Township is specified to be 2% of the Petitioner's gross revenues from all recurring charges in the nature of subscription fees paid by subscribers for its cable television reception service in the Township. Additional regulatory fees shall be paid to the State in an amount not to exceed 2% of Petitioner's gross operating revenues derived from intrastate operations. The Board finds these fees to be reasonable.
10. The Petitioner shall provide public, educational and governmental ("PEG") access services, technical support, training and facilities as described in the application and the municipal consent ordinance.

11. The Petitioner shall designate a PEG access channel for the sole use of the Township that shall include a community bulletin board. The Petitioner shall also provide basic equipment for the Township's non-commercial PEG access channel, when the Township decides to develop a new PEG studio at a public location determined by the Township to produce access programming. The Township shall provide the Petitioner with at least six months advance written notice of their intent to begin operation of a new studio. The equipment provided shall be purchased and installed by the Petitioner for the sole use of the Township. The Petitioner shall provide no more than \$10,000.00 in PEG access equipment for the new studio, but the Petitioner shall not be required to maintain or repair said equipment.
12. During the fifth year of the franchise term and upon written request of the Township, the Petitioner shall inspect and evaluate the equipment currently in use at the PEG access studio to determine if any equipment requires replacement. The Petitioner shall replace the equipment that no longer operates or operates minimally, and which significantly impacts the quality of the PEG programming being produced. The Petitioner shall not be obligated to provide more than \$10,000.00 in replacement equipment for this studio.
13. The Petitioner shall provide the requisite wiring and equipment to install an operational cable television distribution system in the Howell Township Public School facilities as detailed on the District Wide Technology Project Drawing attached to the ordinance at "Schedule A".
14. The Petitioner shall provide basic monthly service to each public school in the Township, at no charge. The Petitioner shall provide basic monthly service and three outlets to each public library and municipal building that shall include: a) the Main Administration Building; b) Recreation and Civic Center; c) Raymond Roe Building; d) Tax Administration Building; e) Human Services Building; f) Criminal Justice Building; g) Senior Center; and h) Engineering/Planning/ Code Enforcement Building, within the Township, at no charge. The installations shall be completed within one year of issuance of this Renewal Certificate of Approval.
15. The Petitioner shall make Internet access available on one cable modem to each public school and public library, at no charge, when such service becomes available in the Township.
16. The Petitioner has agreed to offer a senior citizens' discount for persons meeting the eligibility requirements of the Pharmaceutical Assistance to the Aged and Disabled (PAAD) program pursuant to N.J.S.A. 30:4D-21 and N.J.A.C. 14:18-3.20.

Based upon these findings, the Board HEREBY CONCLUDES that, pursuant to N.J.S.A. 48:5A-17(a) and 28(c), the Petitioner has sufficient financial and technical capacity and meets the legal, character and other qualifications necessary to construct, maintain and operate the necessary installations, lines and equipment and is capable of providing the proposed service in a safe, adequate and proper manner.

Therefore, the Petitioner is HEREBY ISSUED this Renewal Certificate of Approval as evidence of Petitioner's authority to construct and operate a cable television system within the entirety of the Township.

This Certificate is subject to all applicable State and federal laws, the rules and regulations of the Office of Cable Television, and any such lawful terms, conditions and limitations as currently exist or may hereafter be attached to the exercise of the privileges granted herein.

The Petitioner shall adhere to the operating standards set forth by the Federal Communications Commission's rules and regulations, 47 C.F.R. Section 76.1 et seq. Any modifications to the provisions thereof shall be incorporated into this Certificate. Additionally and more specifically, the Petitioner shall adhere to the technical standards of 47 C.F.R. Part 76, Subpart K.

Failure to comply with all applicable laws, rules, regulations and orders of the Board or the Office of Cable Television and/or the terms, conditions and limitations set forth herein may constitute sufficient grounds for the suspension or revocation of this Certificate.

This Renewal Certificate is issued on the representation that the statements contained in the Petitioner's applications are true, and the undertakings therein contained shall be adhered to and enforceable unless specific waiver is granted by the Office of Cable Television pursuant to the authority contained in N.J.S.A. 48:5A-1 et seq.

This Certificate shall expire March 23, 2009.

DATED: November 8, 2001

BOARD OF PUBLIC UTILITIES
BY:

(signed)

CONNIE O. HUGHES
PRESIDENT

(signed)

FREDERICK F. BUTLER
COMMISSIONER

(signed)

ATTEST:

(signed)

FRANCES L. SMITH
BOARD SECRETARY